



PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: §  
§  
Barnard et al. §  
§  
Serial No.: 10/016,677 § Art Unit: Unassigned  
§  
Filed: December 10, 2001 § Examiner: Unassigned

For: FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA  
COMMUNICATION NETWORK

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

"EXPRESS MAIL" Mailing Label No.: EL000622257US  
Date of Deposit: March 13, 2002

Dear Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION

This is a response to the Notice to File Missing Parts of  
Nonprovisional Application mailed January 14, 2002, a copy of which  
is attached hereto, due for reply by March 14, 2002.

Regarding the Declaration

As required by the Notice to File Missing Parts of  
Nonprovisional Application, Applicant hereby encloses an executed  
Declaration. The Declaration has been signed by the inventors Jeff

100167-03100  
205103-199100

Barnard of Santa Rosa, California and Dieter Nattkemper of Raleigh, North Carolina. Accompanying the Declaration is a Petition Under 37 C.F.R. §1.47(a) for the Office to accept the Application on behalf of Jeff Barnard, Dieter Nattkemper, and the joint inventors, Venkataraman Anand, Hanna Boulos, and Sundara Murugan, who cannot be found or reached after diligent effort. Accompanying the Petition is Proof Under MPEP §409.03(d) of the unavailability of the aforementioned inventors.

Regarding the Substitute Drawings

Substitute formal drawings are submitted herewith as a separate paper for the Examiner's approval and acceptance. No new matter is added by way of the substitute formal drawings. The Commissioner is hereby authorized to charge any comparison fees associated with the submission of the substitute formal drawings to our Deposit Account 03-1130.

Regarding the Required Fees

Submitted herewith is a check for \$1348.00 which covers the following fees: \$740 to complete the basic filing fee, \$348 for additional claims fees, \$130 for the late filing fee per 37 C.F.R. §1.16(1), and \$130 for the Petition Under 37 C.F.R. §1.47(a)

petition fee as set forth in 37 C.F.R. §1.17(i). Applicant, therefore, respectfully submits that no additional fees are due in excess of the enclosed check. If this is incorrect, the Commissioner is hereby authorized to charge any additional fees which may be required by this response to our Deposit Account 03-1130.

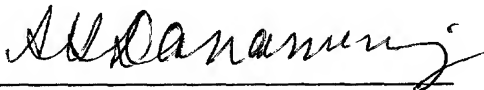
Conclusion

Applicant respectfully submits that all required parts for the application have now been filed and that no additional fees are required.

If there are any matters concerning this response that may be cleared up by telephone, please call Applicant's attorney at (972) 720-1202, ext. 228.

Respectfully submitted,

Dated: March 13, 2002

  
Shreen K. Danamraj  
Registration No. 41,696

SMITH, DANAMRAJ & YOUST, P.C.  
12900 Preston Road, Suite 1200, LB-15  
Dallas, Texas 75230  
(972) 720-1202, ext. 228



## UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/016,677	12/10/2001	Jeff Barnard	1285-0060US

24587  
ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
1000 COIT ROAD, MS LEG2  
PLANO, TX 75075

RECEIVED

JAN 22 2002

CONFIRMATION NO. 2531

## FORMALITIES LETTER

\*OC00000007304927\*

INTELLECTUAL PROPERTY

Date Mailed: 01/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/18/2002 SFELEKE1 00000032 10016677

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:102	168.00 OP
03 FC:103	180.00 OP
04 FC:105	130.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$348.
  - \$180 for 10 total claims over 20.
  - \$168 for 2 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1218.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*Beta 7 Beta*  
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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2001-01-23 12:53